

**ORDER BELOW EXH. 86 IN RCS NO. 111/2009**  
(CNR No.MHAH250012202009)

This is an application by defendants praying to direct plaintiffs to pay deficit court fees.

2. It is submitted that plaintiffs have filed suit for declaration of ownership and possession of suit property on the basis of ownership and therefore, court fees ought to have been paid as per section 6(iv)(d) of Maharashtra Court Fees Act on the basis of valuation of suit property. It is submitted that plaintiffs be directed to pay deficit court fees.

3. Plaintiffs opposed application on the submission that application is not tenable. They submitted that as suit is for declaration of ownership to suit property, as per assessment of land, court fees is paid on 40 times of assessment. Plaintiffs are not required to pay court fees as per section 6(iv)(d) of Maharashtra Court Fees Act. Plaintiffs therefore, prayed for rejection of application.

4. Heard learned advocate on either side.

5. It is submission of defendants that court fees ought to have been paid as per section 6(iv)(d) of Maharashtra Court Fees Act. Therefore, it is relevant to refer said section which speaks that in suits for declaration in respect of ownership, or nature of tenancy title,  $\frac{1}{4}^{\text{th}}$  of *ad valorem* fee leviable for the suit for possession on the basis of title of the subject matter, subject to minimum fee of Rs. 100/- is payable.

6. Now, it is necessary to refer section 6 (v), which speaks that in suits for possession of land where land is liable for

assessment to Government, value of subject matter shall be a sum equal to 40 times the survey assessment.

7. In present suit, it appears that suit property is agricultural land liable for assessment to Government and therefore, the court fees ought to be paid on 40 times of assessment value which apparently seems to be paid. I find no substance in the submission of defendants that court fees ought to have been paid on market value of suit property. Therefore, in view of my aforesaid discussion, I find that application is not tenable and hence, I pass following order,

**ORDER**

Application is rejected.

**Date : 23.01.2023**

**( R. K. Deshpande )**  
Civil Judge Junior Division,  
Parner.